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June 10, 2008

**MEMO ENCLOSED**

VIA FACSIMILE AND REGULAR MAIL

Honorable Charles L. Briant  
Judge, United States District Court  
Southern District of New York  
300 Quarropas Street  
White Plains, New York 10601-4150  
Attn: Mrs. Alice Cama, Deputy

*Application Granted  
Motion Dec# 1 to withdraw  
the Bankruptcy Reference  
is withdrawn. This case is  
now closed to be ordered*

Re: In Re: Douglas E. Palermo \*\*\*  
David R. Kittay, Trustee v. Brian Farley, et al.,  
Civil Case No. 08 CV 1257 (CLB)

*Charles L. Briant  
6/12/08  
USDJ*

Dear Mrs. Cama:

I represent the defendants in the above matter. As you may recall, we have pending in your Court a Motion To Withdraw The Reference and To Transfer Venue that I filed in this case on February 7, 2008 (the "Motion"). No hearing has been set for the Motion because the parties had been in settlement talks. I had last written you on April 23, 2008, to report that the parties had finally reached a settlement (the "Settlement"), and that on April 22, 2008, the plaintiff had filed a motion in the underlying adversary proceeding in the Bankruptcy Court (SDNY) (adv. no. 08-8203) (the "Bankruptcy Court") requesting that it approve of the Settlement (see dkt. no. 10) (the "Settlement Motion").

I write now to report that the Bankruptcy Court has approved of the Settlement by an Order entered on the docket on May 28, 2008, which Order has now become final and non-applicable.

Accordingly, as we discussed last week, I write to ask that our pending Motion in your Court be withdrawn and that the above referenced matter in your Court be concluded.

If you have any questions, please do not hesitate to contact me.

Sincerely,

*Brad A. Berish*

Brad A. Berish

BAB/db

cc: Jonathan Bardavid, Esq., counsel for plaintiff (via e-mail)

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